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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/788,648	02/28/2004	Gregory Coogle	TLA04,01	7231

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YI LI
CUSPA TECHNOLOGY LAW ASSOCIATES
11820 SW 107 AVENUE
MIAMI, FL 33176

EXAMINER

HEWITT, JAMES M

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 01/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/788,648

Applicant(s)

COOGLE, GREGORY

Examiner

James M. Hewitt

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 2/28/04 & 11/16/05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 10-21 is/are pending in the application.
- 4a) Of the above claim(s) 20 and 21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,6,10,11 and 16 is/are rejected.
- 7) ☒ Claim(s) 2-5, 12-15 and 17-19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2/28/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's election with traverse of Invention I/Species I in the reply filed on 11/16/05 is acknowledged.

Applicant asserts that Invention I and Invention II are related by product and a method of the using the product, not by product and a method of making the product. The Examiner agrees.

Inventions I and II are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case the product can be used in a process that secures the sliding coupler to a conduit with securing means other than adhesive. The securing means may be, for example, a grip ring.

Applicant asserts that the two or more inventions must be distinct and independent. This assertion is untrue. See MPEP 803. A restriction is proper if it can be shown that the inventions are independent or distinct and if the search and examination of can be made without serious burden. From the preceding paragraph, the inventions are shown to be distinct. And as a different field of search (class 156) would be required for Invention II, and Invention II finds separate classification, search and examination of Invention II would pose a serious burden. See MPEP 808.02.

Upon reconsideration, the Examiner has withdrawn the election of species requirement as search and examination of claims 10-15 (Species III) and claims 6 and 16-19 (Species IV) can be made without serious burden.

The requirement is still deemed proper and is therefore made FINAL.

Claims 20-21 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention and species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 11/16/05.

Specification

The disclosure is objected to because of the following informalities:

The patent number associated with referenced application 10/144,113 should be provided.

Appropriate correction is required.

Claim Objections

Claims 1-6 and 10-19 are objected to because of the following informalities:

In claim 1 line 1, "a tubular conduit" should be replaced with "tubular conduits".

In claim 4 line 3, "a longitudinal center" should be "the longitudinal center".

In claim 5 line 2, "a internal block section" should be "an internal block section".

In claim 6 lines 1-2, the phrase "for connecting a tubular conduit" should be deleted.

In claim 10 line 1, "a tubular conduit" should be replaced with "tubular conduits".

In claim 14 line 3, "a longitudinal center" should be "the longitudinal center".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 6, 10-11 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Luff (US 2,297,966).

With respect to claim 1, Luff discloses a slide coupling fitting for connecting a tubular conduit, comprising: a tubular body (1) having a central passage defining a central axis, two opposing open ends, and an external threaded section (3, 4) on an exterior of said tubular body adjacent to each open end; and two tubular sliding couplers (5, 6), each having an internal diameter slightly larger than an external diameter of said tubular body, and each being connected to one of said open ends of said tubular body, respectively; each said tubular sliding coupler having an internal threaded section (7, 8) adjacent to an inner end which is closer to a longitudinal center of said tubular body, and a smooth interior at an opposing outer end for slidably engaging a tubular conduit;

said internal threaded section being complementary to said external threaded section of said tubular body for mutual engagement.

With respect to claim 6, further comprising a middle opening on said tubular body and a middle coupler comprising a tubular connector (2) extending from said middle opening in perpendicular to said central axis of said tubular body; one end of said tubular connector being fluid-tight connected to said tubular body and an opposing open coupling end for receiving another tubular conduit.

With respect to claim 10, Luff discloses a slide coupling fitting for connecting a tubular conduit, comprising: a tubular body (1) having a central passage defining a central axis, a first open end, an external threaded section (3) on an exterior of said tubular body near said first end, and an opposing second open end; and a tubular sliding coupler (5) having an internal diameter larger than an external diameter of said tubular body, and being connected to said first open end of said tubular body; said tubular sliding coupler having an internal threaded section (7) adjacent to an inner end which is closer to a longitudinal center of said tubular body, and a smooth interior at an opposing outer end for slidably engaging a first tubular conduit; said internal threaded section being complementary to said external threaded section of said tubular body for mutual engagement.

With respect to claim 11, wherein said second end of said tubular body further comprises a tubular connector (4) which is coaxially and fluid-tight connected to said second open end of said tubular body at one end, and with an opposing coupling end for receiving a second tubular conduit.

With respect to claim 16, refer above to the rejection of claim 6.

Allowable Subject Matter

Claims 2-5, 12-15 and 17-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Note that the allowability of claims 2-5, 12-15 and 17-19 is also contingent upon overcoming the above-noted objections (see ***Claim Objections***).

Conclusion

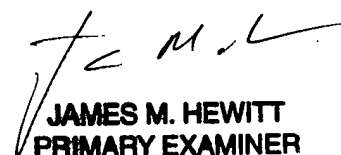
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James M. Hewitt whose telephone number is 571-272-7084.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Stodola can be reached on 571-272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3679

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JAMES M. HEWITT
PRIMARY EXAMINER